IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21392 of 2004

Between:

Pollampally Sambha Reddy, S/o Malla Reddy,
R/o Chapala Bhanda, Duggondi Mandal, Narsampet Taluk, District Warangal.

..... PETITIONER

AND

1 The District Collector, Warangal District.
2 The Revenue Divisional Officer, Narasampet, District Warangal.
3 The Revenue Divisional Officer, Duggondi Mandal, Narsampet Taluk, Warangal District.
4 The Divisional Inspector, RWS Narsampet.
5 Raja Mouli,
R/o Sairampally, Mandal Duggondi, District Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an Order, Direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the official Respondents herein in not considering and taking action on my representation/objection petition dated 19-11-2004 pointing out the violation made by the 4th Respondent in under taking the construction of new well within the prohibited distance to the well owned by me, as illegal, arbitrary, contrary to the provisions of the A.P. Water, Land and Trees Act, 2002 and the rules made thereunder, high handed, without any sanction of law and violative of principles of natural justice and Fundamental Rights guaranteed under the Constitution of India and consequently direct the Respondents 1 to 4 to follow the provisions of the Act.

Counsel for the Petitioner: MR.P.PURUSHOTHAM REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is the grievance of the petitioner that even though he made a representation dated 19-11-2004 to respondent Nos. 1 to 4 complaining that respondent No.5 is digging bore well within the prohibited distance, which is violative of the provisions of A.P. Water, Land and Trees Act, 2002, no action had been taken thereon. He submits that if respondent No.5 is allowed to proceed with the digging of the bore well, the water level in his well would go down, thereby adversely affecting the irrigation of his lands, which is the only source of his livelihood.

Having regard to the facts and circumstances of the case,
I deem it appropriate to dispose of the writ petition with the following directions:

Respondent No.1 is directed to consider and dispose of the representation, said to have been made by him on 19-11-2004, within a period of one week, after issuing notice to respondent No.5.

The writ petition is accordingly disposed of at the stage of admission. No costs.

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N.V. RAMANA, J.

Date: 23rd November, 2004.

Note:

Operative portion of the

order by wire.

(B/o)

NSR/KSR

To

1 The District Collector, Warangal District.
2 The Revenue Divisional Officer, Narasampet, District Warangal.
3 The Revenue Divisional Officer, Duggondi Mandal, Narsampet Taluk, Warangal District.
4 The Divisional Inspector, RWS Narsampet.
5 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

6 Two CD copies.